

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

UNITED STATES OF AMERICA,

vs.

Criminal Action No. 1:18CR40

TARA PONCEROFF.

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

Comes now the defendant, Tara Ponceroff, by counsel, submitting the following questions to be asked of the jury panel during voir dire. Counsel requests that any juror indicating an affirmative response to any question be asked to explain his or her answer.

1. Do you, or do any members of your family or friends know me? I am United States District Judge Irene M. Keeley.
2. Will the defendant please rise? Are any of you related by blood or marriage to the Defendant?
3. Are any of you acquainted with the Defendant?
4. Do any of you or any member of your immediate families have a close relationship, business or otherwise with the Defendant?
5. [Have counsel introduce themselves.] Do any of you know or are any of you related to any of the attorneys in this case, or have you ever had contact with them?
6. Are you or have you or any of your relatives or friends ever been connected with:
 - a) law enforcement, either federal, state or local;
 - b) a district attorney's office;
 - c) the United States Attorney's office;

d) any law enforcement or quasi-law enforcement agency?

7. Have any of you ever been a policeman or policewoman, a military policeman or policewoman, worked in the security field for either state or national government or for private industry, or worked for a jail, a prison or any other type of correctional facility?

8. Do you or any members of your family know any of the persons who are employed by the government who worked on this case and who will testify in court, or any other witnesses who will testify for the prosecution in this case? [Request prosecutor to read list of agents and proposed witnesses.]

9. Law enforcement officers will be testifying in this matter. Are any of you more likely to believe the testimony of a law enforcement officer than that of another witness because that person is a law enforcement officer?

10. Do any of you, or do any members of your immediate family have any dealings with the United States Government or any of its agencies from which you may profit?

11. Have you or any members of your family ever been involved in any conflict, controversy, or litigation with the Office of the United States Attorney or any department or agency of the United States?

12. Do you know or recognize any other members of the jury panel?

13. Have any of you heard or read anything from the news media or otherwise about this case or has anyone talked to you about this case? [Counsel requests that any juror responding affirmatively to this question be asked to explain his or her answer out of the presence of the other members of the panel to avoid any prejudicial response which may taint the other members of the panel.]

14. The indictment in this case was returned by the Grand Jury in this District sitting in Wheeling during its August 2018 session. Were any of you members of this grand jury?

15. Have any of you or members of your family ever served as a juror on a grand jury?

16. Have any of you or members of your family ever served as a juror in a civil case?

If so:

a) when?

b) where?

c) how often?

d) did you reach a verdict?

17. Have any of you or members of your family ever served as a juror in a criminal case?

If so:

a) when?

b) where?

c) how often?

d) did you reach a verdict?

18. Was there anything about the service which caused you any concern about the justice system in this country or is there anything which causes you to believe that you could not be a fair and impartial juror in this case?

19. Have you or any members of your immediate family or friends been a party to a civil lawsuit? If so, please explain.

20. Have you or any members of your immediate family or friends ever testified in a civil or criminal trial or before a grand jury? If so, please explain.

21. Have you or any members of your immediate family ever been the victim of a crime?

If so, what type of crime was it? Was the crime ever solved? Were you satisfied with the efforts of the law enforcement officers and the criminal justice system in that case?

22. Have you or any members of your family ever been harmed or injured as a result of a crime?

23. Does the fact that the Defendant is presently charged with a crime create any impression in your mind that he is guilty?

24. Do any of you feel that since the Defendant is charged with a crime he probably did do at least something wrong?

25. Do any of you have an opinion, or have you at any time expressed an opinion, as to the guilt or innocence of the Defendant based on the charge contained in the indictment?

26. Do any of you feel that if the Defendant is not guilty she should prove it?

27. Do any of you feel that the Defendant must present evidence before you could find him not guilty?

28. Would any of you surrender your honest belief that the Defendant is not guilty just because some of your fellow jurors felt otherwise?

29. Do any of you know of any reasons why you may be prejudiced for the Government or against the Defendant because of the nature of the charges?

30. Can you think of any other matter which you should call to the attention of the Court which may have some bearing on your qualifications to sit as a juror in this case?

31. Are any of you sensible of any bias or prejudice on your part, or can you think of anything which may prevent you from rendering a fair and impartial verdict in this case based solely

on the evidence and my instructions as to the law?

32. The Court will instruct you at the close of all the evidence concerning the proper law applicable to this case. Are there any of you who feel that for any reason that you cannot or could not follow the law as stated to you by the Court in its instructions?

33. In that regard, and more particularly, the law provides that:

The indictment is simply a formal document which notifies the Defendant that he has been charged with an offense. It is not evidence of any kind.

The Defendant is presumed to be innocent of the charge until and unless he is proven guilty beyond a reasonable doubt. The burden is always on the Government to prove the Defendant guilty beyond a reasonable doubt and the Defendant is not required to testify or to present any evidence in his own behalf, but has an absolute right to do so if he chooses.

The jury, by its oath, must decide the case solely on the evidence presented and on the law as it is given to you by the Court.

Is there any one of you who has difficulty understanding these matters as I have just explained them to you? Again, is there any one of you who believes, for any reason, that you could not decide the case in accordance with the legal standards which the Court has just stated?

34. We estimate that the trial in this case will take no more than [insert number] days. Does this present any serious problems for any of you with the understanding that you will not be sequestered or ordinarily held beyond 5:00 in the evening or required to report before 8:30 in the morning?

Respectfully submitted,

TARA PONCEROFF

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CERTIFICATION OF SERVICE

I hereby certify that on February 7, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

**David Perri, Esq.
Assistant United States Attorney
Office of the United States Attorney
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